

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

THOMAS BLACK AND VICKI BLACK,	§	
	§	
Plaintiff,	§	
	§	
v.	§	C.A. NO. 2-05CV-518
	§	
JOHNSON & JOHNSON; DEPUY, INC., AND	§	
DEPUY ORTHOPAEDICS, INC.,	§	
	§	
Defendants.	§	

**JOINT MOTION TO DISMISS WITH PREJUDICE**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

**COME NOW, THOMAS BLACK AND VICKI BLACK,** and defendants **JOHNSON & JOHNSON, DEPUY, INC. AND DEPUY ORTHOPAEDICS, INC.,** and file this their Joint Motion to Dismiss With Prejudice, and would respectfully show the Court the following:

1.

Plaintiffs and defendants have resolved this case, and jointly move the Court to dismiss this case with prejudice to the refiling of same, with costs of court being taxed against the party incurring those costs.

**WHEREFORE, PREMISES CONSIDERED,** plaintiffs and defendants pray that their Joint Motion to Dismiss With Prejudice be GRANTED.

Respectfully submitted,

**THE LAW OFFICES OF  
FRANK L. BRANSON, P.C.**

/s/ Michael Guajardo

**FRANK L. BRANSON**

**Attorney-in-Charge**

State Bar No. 02899000

**MICHAEL G. GUAJARDO**

State Bar No. 00784183

4514 Cole Avenue, 18<sup>th</sup> Floor

Dallas, Texas 75205

(214) 522-0200

(214-521-5485 (fax))

**ATTORNEYS FOR PLAINTIFFS**

AND

**HIERSCHE, HAYWARD, DRAKELEY &  
URBACH, P.C.**

/s/ William Dixon Wiles

**WILLIAM DIXON WILES**

State Bar No. 21467800

Suite 700, 15303 Dallas Parkway

Addison, Texas 75001

972-701-7000 (Telephone)

972-701-8765 (Fax)

[dwiles@hhdulaw.com](mailto:dwiles@hhdulaw.com)

**ATTORNEY FOR DEFENDANTS**

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**ORDER OF DISMISSAL WITH PREJUDICE**

**ON THIS DAY**, came on for consideration, the Joint Motion to Dismiss With Prejudice, and the Court, having considered the Joint Motion, is of the opinion that it should be GRANTED. The Court is of the opinion that this cause of action should be dismissed with prejudice to the refile of same and that court costs should be taxed against the party incurring the court costs.